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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 GREGORY DENNIS FIELD,

10 Plaintiff,

C14-1347 TSZ

11 v.

ORDER

12 DAVID OSTER and GEORGE SHEDRICK,  
JR. (misidentified as TONY CEDRIC),

13 Defendants.

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15 THIS MATTER comes before the Court on a Report and Recommendation (“R&R”),  
16 docket no. 33, by the Honorable Mary Alice Theiler, United States Magistrate Judge. A service  
17 copy of the R&R was mailed to plaintiff at Monroe Correctional Complex (“MCC”). It was not  
18 returned, but the Clerk received back a different document, which had been mailed earlier to  
19 plaintiff at MCC, indicating that plaintiff had been transferred to Bishop Lewis Work Release in  
20 Seattle (“BLWR”). A second service copy of the R&R, mailed to plaintiff at BLWR, has not  
21 been returned. The Court is therefore satisfied that plaintiff received the R&R and the Court’s  
22 Minute Order entered April 16, 2015, docket no. 35, setting a deadline of June 5, 2015, for  
23 plaintiff to file any objection to the R&R. No objection to the R&R was timely filed.

ORDER - 1

1 Having reviewed the R&R, the Court does hereby ORDER:

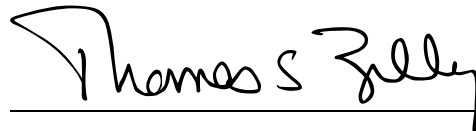
2 (1) The Report and Recommendation, docket no. 33, is ADOPTED.

3 (2) Defendants' motion for summary judgment, docket no. 13, is GRANTED in part  
4 and DENIED in part.

5 (3) Plaintiff's complaint, docket no. 4, and this action are DISMISSED without  
6 prejudice for failure to exhaust administrative remedies before filing suit. The Court DECLINES  
7 to enter judgment against plaintiff or in favor of defendants, and DENIES defendants' request to  
8 treat this matter as a "strike" against plaintiff pursuant to 28 U.S.C. § 1915(g).

9 (4) The Clerk is DIRECTED to CLOSE this case and to send copies of this Order to  
10 plaintiff pro se, to all counsel of record, and to the Honorable Mary Alice Theiler.

11 DATED this 22nd day of June, 2015.

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15 Thomas S. Zilly  
16 United States District Judge  
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